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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
STEVENS, THOMAS H	

ART UNIT	PAPER NUMBER
2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,168	ZIPS, ALF	
	Examiner	Art Unit	
	THOMAS H. STEVENS	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06/03/2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 were examined.

Abstract

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

3. The abstract of the disclosure is objected to because it's more than 150 words. Correction is required. See MPEP § 608.01(b).

Specification

4. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because of the numerous revisions is difficult to examine but also the specification denotes claims that are cancelled (see pages 1, 2nd paragraph; page 3, 2nd paragraph).

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification

contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

5. The specification is objected to since the specification refers to limitations i.e. claims 1, 7 and 8 that are now cancelled (see pages 1, 2nd paragraph; page 3, 2nd paragraph).

6. The incorporation of essential material in the specification by reference to an unpublished U.S. application**, foreign application or patent**, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Objections

7. Claim 9 is objected to because of the following informalities: line 4, spelling error—"a ***filed*** device." Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 9-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tapperson et al., (US Patent 5,682,476; hereafter Tapperson). Tapperson discloses a redundant wireless access of a field of devices (abstract).

Claim 9. An arrangement for transmitting data (data running between control room and filed devices, column 4, lines 8-16 with figure 2) between a hand-held electronic unit (figure 1, element 38) and a field device (column 3, line 24), the arrangement comprising: a hand-held electronic unit(figure 1, element 38); a filed device (spelling error, field device, column 3, line 24) having at least one electrical connector for connecting the field device to an operating power supply (suggestion of delivering power to a device, column 1, lines 50-67)and having a field device (column 3, line 24) coupling interface, the connector configured to receive from the operating power supply (suggestion of delivering power to a device, column 1, lines 50-67)an operating power (suggestion of delivering power to a device, column 1, lines 50-67) sufficient for supporting all normal operations (applicants not specific on this limitation; section discusses operations despite disruption, column 6, lines 8-21)of the field device (column 3, line 24) when employed in a technical facility (e.g., industrial plant, column 1, lines 25-27); and a cable having first end second cable ends for transmitting the data, the first cable (cable from the handheld device, column 4, lines 55-58) end configured to be connected to the hand-held electronic unit (figure 1, element 38), and the second cable end (assuming the wireless port establishes connection to this hardwire H1 fieldbus

port, column 6, lines 62-67) having a cable end coupling interface for establishing a wireless proximity connection (assuming the wireless port establishes connection to this hardwire H1 fieldbus port, column 6, lines 62-67) to the field device coupling interface (suggestion of twisted pair wiring to a device to which must have a detachable connection and must happen in order to maintenance to be performed, column 4, lines 52-58) such that both the data and an operating power sufficient for supporting the data transmission are transmitted to the field device via the wireless proximity connection.

Claim 10. The arrangement according to claim 9, wherein the transmitted operating power sufficient for supporting the data transmission is smaller than the operating power sufficient for supporting all normal operations (applicants not specific on this limitation; section discusses operations despite disruption, column 6, lines 8-21)of the field device when employed in a technical facility (e.g., industrial plant, column 1, lines 25-27).

Claim 11. The arrangement according to claim 9, wherein the field device (column 3, line 24) coupling interface is arranged on a housing of the field device(column 3, line 24).

Claim 12. The arrangement according to claim 9, wherein the cable end coupling interface is configured to form a detachable connection to the field device coupling interface (suggestion of twisted pair wiring to a device to which must have a detachable connection and must happen in order to maintenance to be performed, column 4, lines 52-58).

Claim 13. The arrangement according to claim 9, wherein the hand-held electronic unit (figure 1, element 38) comprises an input keypad and a display, the hand-held electronic unit (figure 1, element 38) forms an operator terminal for operating the field device and the electrical connector is a network port.

Claim 14. The arrangement according to claim 9, further comprising a circuit for establishing the wireless proximity connection, (assuming the wireless port establishes connection to this hardwire H1 fieldbus port, column 6, lines 62-67) the circuit having a standby state with low power demand and an operating state, the operating state triggered upon establishing the wireless proximity connection, (assuming the wireless port establishes connection to this hardwire H1 fieldbus port, column 6, lines 62-67) wherein the operating power sufficient for supporting the data transmission is transmitted to the circuit.

Claim 15. The arrangement according to claim 9, wherein the field device (column 3, line 24) is protected against hazards caused by an explosion (section discloses some operations functional if an explosion occurs, column 6, lines 8-31).

Claim 16. A hand-held electronic unit, comprising a cable having first end second cable ends for transmitting data (data running between control room and filed devices, column

4, lines 8-16 with figure 2)to a field device, the first cable (cable from the handheld device, column 4, lines 55-58)end configured to be connected to the hand-held electronic unit, (figure 1, element 38) and the second cable end (assuming the wireless port establishes connection to this hardwire H1 fieldbus port, column 6, lines 62-67)having a cable end coupling interface for establishing a wireless proximity connection to the field device (column 3, line 24) having a field device coupling interface (suggestion of twisted pair wiring to a device to which must have a detachable connection and must happen in order to maintenance to be performed, column 4, lines 52-58), wherein the wireless proximity connection is configured to transmit to the field device (column 3, line 24)both the data and an operating power sufficient for supporting the data transmission.

Claim 17. The hand-held electronic unit (figure 1, element 38) according to claim 15, wherein the transmitted operating power sufficient for supporting the data transmission is smaller than an operating power sufficient for supporting all normal operations (applicants not specific on this limitation; section discusses operations despite disruption, column 6, lines 8-21)of the field device when employed in a technical facility (e.g., industrial plant, column 1, lines 25-27).

Claim 18. A field device, (column 3, line 24) comprising: field device (column 3, line 24) coupling interface for connecting the field device (column 3, line 24)to a hand-held electronic unit (figure 1, element 38)via a wireless proximity connection; an electrical

connector for connecting the field device (column 3, line 24)to an operating power supply, the connector configured to receive from the operating power supply (suggestion of delivering power to a device, column 1, lines 50-67)an operating power sufficient for supporting all normal operations (applicants not specific on this limitation; section discusses operations despite disruption, column 6, lines 8-21)of the field device when employed in a technical facility (e.g., industrial plant, column 1, lines 25-27); a cable having first end second cable ends for transmitting data (data running between control room and filed devices, column 4, lines 8-16 with figure 2)from the hand-held electronic unit (figure 1, element 38)to the field device the first cable (cable from the handheld device, column 4, lines 55-58)end configured to be connected to the hand-held electronic unit, and the second cable end (assuming the wireless port establishes connection to this hardwire H1 fieldbus port, column 6, lines 62-67)having a cable end coupling interface for establishing the wireless proximity connection to the field device (column 3, line 24) via the field device coupling interface (suggestion of twisted pair wiring to a device to which must have a detachable connection and must happen in order to maintenance to be performed, column 4, lines 52-58), wherein the wireless proximity connection (assuming the wireless port establishes connection to this hardwire H1 fieldbus port, column 6, lines 62-67) is configured to transmit to the field device(column 3, line 24) both the data and an operating power sufficient for supporting the data transmission.

Claim 19. The field device according to claim 18, wherein the transmitted operating power sufficient for supporting the data transmission is smaller than an operating power

sufficient for supporting all normal operations (applicants not specific on this limitation; section discusses operations despite disruption, column 6, lines 8-21) of the field device (column 3, line 24) when employed in a technical facility (e.g., industrial plant, column 1, lines 25-27).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure:

- US Patent 7233745 B2 discloses field devices comprising a transmitter and/or receiver for wireless data communication are provided. It is proposed to evaluate the energy available for wireless data communication in data transmitting or data receiving field devices prior to activation of the transmitter and/or receiver of the field device.
- US Patent Application 20070243830 A1 discloses a transceiver for wirelessly transmitting process variables with a radio interface and a field device interface is provided. The transceiver has two operating states. The transceiver is designed to receive a field device signal at the field device interface and relay the field device signal via the radio interface in the first operating state. In the second operating state, the transceiver receives a field device signal via the radio interface, and makes the field device signal available at the field device interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715.

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Albert Decady (571-272-3819). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121